

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**May 15, 2000**

**C033106      THE PEOPLE v. CABRERA      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Morrison, J.

Kolkey, J.

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Acting Presiding Justice; Nicholson, Associate Justice; Morrison, Associate Justice; and Rios, Bailiff. Calendar called.

**C030151      THE PEOPLE v. BARJAS**

Cause called. Daniel V. Hernandez argued for appellant. Thomas Y. Shigemoto, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:48 a.m., court recessed. At 9:51 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Hull, and Associate Justice Kolkey.

**C033142      WAGNER et al v. LUGLI**

Cause called. Terrence L. Butler argued for complainant-appellant. Kennett L. Patrick argued for defendants-respondents. Cause submitted.

At 10:15 a.m., court recessed. At 10:20 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Hull.

**May 15, 2000 continued**

**C031193      THE PEOPLE v. NELSON**

Cause called. Bradley A. Bristow argued for appellant with additional citations. No appearance was made on behalf of respondent. Cause submitted.

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**C027969      WIMBERLY v. STARVING STUDENTS, Inc.**

Cause called. Joseph Stone argued for appellant with additional citations. Robert E. Thurbon argued for respondent. Cause submitted.

At 11:13 a.m., court recessed. At 2:00 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Raye, and Associate Justice Hull.

**C031308      In re LARRY D.; THE PEOPLE v. LARRY D.**

Cause called. Mary Lynn Belsher, court appointed counsel, argued for appellant. No appearance was made on behalf of respondent as argument was previously waived and approved. Cause submitted.

At 2:01 p.m., court recessed. At 2:21 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Hull, and Associate Justice Kolkey.

**C031050      NORTHERN INSURANCE COMPANY v. FIREMAN'S FUND  
INSURANCE CO. et al.; UNITED PACIFIC INSURANCE CO.**

Cause called. Tyler G. Olpin argued for appellant-x-respondent. W. Eric Blumhardt argued for respondent-x-appellant Ohio Casualty. Richard L. Antognini argued for respondent. Ira D. Goldberg appeared for respondent-x-appellant Fireman's Fund but did not argue. Cause submitted.

At 3:00 p.m., court recessed. At 3:04 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Hull.

**C030684      TRACY COMMUNITY DEVELOPMENT AGENCY v. BEV, etc. et al.**

Cause called. Robert Mehlauff argued for appellants. Todd A. Amspoker argued for respondent. Cause submitted.

At 3:24 p.m., court recessed. At 3:24 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Callahan, and Associate Justice Hull.

**May 15, 2000 continued**

**C035081      THE PEOPLE v. SUPERIOR, YUBA COUNTY; ERICKSON**

Cause called. Raymond L. Brosterhous II, Deputy Attorney General, argued for petitioner. David Dratman argued for real party in interest. Cause submitted.

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Court recessed at 4:02 p.m., until 9:30 a.m., May 16, 2000.

**May 16, 2000**

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Davis, Acting Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Conrad, Bailiff. Calendar called.

**C030772      VLASAK v. SIERRA FAMILY SERVICES et al.**

Cause called. Robert P. Biegler argued for appellant. Jesse S. Ortiz, III appeared for appellant but did not argue. Denise L. Dirks argued respondent. Cause submitted.

At 10:00 a.m., court recessed. At 10:04 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Nicholson.

**C031123      THE PEOPLE v. MUSCIO**

Frank G. Prantil argued for appellant. Eric R. Brunkal, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:34 a.m., court recessed. At 10:35 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Morrison.

**C031668      THE PEOPLE v. SUMMERS**

Cause called. Andrew Cappelli, court appointed counsel, argued for appellant. Wanda Hill Rouzan, Deputy Attorney General argued for respondent. Cause submitted.

At 10:56 a.m., court recessed. At 10:58 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Hull, and Associate Justice Kolkey.

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**C030858      SACRAMENTO CHILDREN'S HOME v. DEPARTMENT OF SOCIAL SERVICES et al.**

Cause called. James Corn argued for appellant. Roy S. Liebman, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:58 a.m., court recessed. At 11:00 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Callahan, and Associate Justice Hull.

**C030861      ESSEX INSURANCE COMPANY v. ED ROBINSON et al.**

Cause called. Tara U. Walters argued for appellant with additional citations. J. Chauncey Hayes argued for respondents Robinson et al. G. Davis Teja argued for respondents Rigsby et al. Lyle D. Gisi appeared for respondent Lunkley but did not argue.

**C031925      REIS et al. v. CROM**

Cause called. Walter J. Schmidt argued for appellants. Kevin J. Hobson argued for respondent. Cause submitted.

Court recessed at 2:26 p.m., until 9:30 a.m., May 17, 2000.

**C031899      THE PEOPLE v. TOWNER**

Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**May 17, 2000**

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Sims, Acting Presiding Justice; Morrison, Associate Justice; Hull, Associate Justice; and Rios, Bailiff.

**C029166      In re the Marriage of WESSELS**

Cause called. Steve Wessels argued for appellant. Richard R. Johnson argued for respondent. Cause submitted. (Consolidated with C029478.)

**May 17, 2000 continued**

**C029478      In re the Marriage of WESSELS**

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Cause called. Steve Wessels argued for appellant. Richard R. Johnson argued for respondent. Cause submitted. (Consolidated with C029166.)

At 9:54 a.m., court recessed. At 9:55 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Raye.

**C031156      WESTERN MUTUAL INSURANCE COMPANY v. ADAMS et al.**

Cause called. N. Steve Roberts II argued for appellants. Ross R. Nott argued for respondent. Cause submitted.

At 10:25 a.m., court recessed. At 1:59 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Hull.

**C029131      WISNER v COUNTY OF SACRAMENTO et al.**

Cause called. Sylvia Velez argued for appellant. Elisa Ungerman argued for respondents. Cause submitted.

At 2:30 p.m., court recessed. At 2:32 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Raye.

**C032288      CANO v. WORKERS' COMPENSATION APPEALS BOARD et al.**

Cause called. Manda G. Olmstead argued for petitioner. Patrick S. Scott argued for respondent Carrancho Farms, Inc. et al. Cause submitted.

At 2:57 p.m., court recessed. At 3:00 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Raye, and Associate Justice Hull.

**C032050      EL DORADO TAXPAYERS et al. v. EL DORADO COUNTY et al.**

Cause called. Theodore Goodwin argued for appellants. Louis B. Green argued for respondents. Cause submitted.

At 3:27 p.m., court recessed. At 3:30 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Callahan.

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- C031977      MACK et al. v. SOUNG      (Certified for Partial Publication)**  
The judgment is affirmed as to the court's ruling regarding the intentional infliction of emotional distress cause of action and reversed as to the court's ruling on the elder abuse cause of action. The cause is remanded to the trial court with directions to vacate its order sustaining the demurrer to the elder abuse cause of action of the third amended complaint and enter a new order overruling the demurrer as to that cause of action only. Plaintiffs shall recover their costs on appeal. (Cal. Rules of Court, rule 26(a).)  
CALLAHAN, J.  
We concur:    Scotland, P.J.  
                  Nicholson, J.
- C033390      THE PEOPLE v. STEGALL      (Not for Publication)**  
The judgment is modified to provide for an additional day of conduct credit for a total of 14 rather than 13 days. The trial court is directed to prepare an amended abstract of judgment to note that change as well as the correct statutory authority for the fine (§ 294) and to add the order to register as a sex offender. The trial court shall send a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.  
NICHOLSON, J.  
We concur:    Sims, Acting P.J.  
                  Morrison, J.
- C034112      In re JOHN; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. VINCENT H. et al.      (Not for Publication)**  
The order of the juvenile court terminating the parental rights of appellants is reversed.  
NICHOLSON, J.  
I concur:      Blease, J.  
I dissent:      Scotland, P.J.
- C030770      THE PEOPLE v. PARKER      (Not for Publication)**  
The concurrent sentence on county II is hereby stayed. (§ 654.) The trial court shall prepare an amended abstract of judgment showing such stay and shall forward a copy of the same to the Department of Corrections. In all other respects, defendant's conviction and sentence are affirmed.  
SIMS, J.  
We concur:    Scotland, P.J.  
                  Kolkey, J.

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**May 18, 2000**

**C031844 THE PEOPLE v. RUSSELL et al.**

**C033177      ARLIN et al. v. CITY OF GALT et al.**

**C032121      RICK'S ELECTRIC, Inc. v. CALIFORNIA OCCUPATIONAL SAFETY  
AND HEALTH APPEALS BOARD; DEPARTMENT OF INDUSTRIAL  
RELATIONS DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
(Certified for Publication)**

**C033733      THE PEOPLE v. WILLIAMS      (Not for Publication)**

We concur:   Sims, Acting P.J.  
                  Morrison, J.